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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,976	09/18/2001	Surendra N. Naidoo	020775.000010	8803

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EXAMINER
VO, TUNG T

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/954,976	NAIDOO ET AL.
	Examiner	**Art Unit**	
	Tung T. Vo	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *10/31/03, 11/18/02*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 10/31/03, 11/18/02, 7/26/02 has

been considered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1, 2, 5, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Courtney (US 6.385,772 B1).

Re claim 1, Courtney discloses a security system (fig. 1; see also cols. 1 and 2, e.g. alarm

system) comprising:

a security gateway (24 of fig. 1) located at a premises, wherein the security gateway is

operable to detect an alarm condition (col. 6, line 54-col.7, line 8; note the computer (24) detect

the occurrence of an event of interested are produced by the camera 12 of fig. 1) and to record

video (12 of fig. 1) of at least a portion of the premises relating to the alarm condition, said video

hereinafter referred to as Alarm Video;

a security system server (36 of fig. 1) operatively coupled to the security gateway through a first network (Internet 38 of fig. 1), wherein the security gateway is configured to notify the security system server of the alarm condition (col. 6, line 54-col. 7, line 8; e.g. the absolute difference of pixels between the current image with the reference image compared to threshold, which is considered as alarm condition) and to transfer the Alarm Video to the security system server in substantially real time through the first network;

and wherein the security system server (36 of fig. 1) is further operatively coupled to the security gateway through a second network (41 of fig. 1), wherein the security gateway is configured to notify the security system server of the alarm condition through the second network (col. 6, lines 38-53).

Re claim 2, Courtney further discloses wherein the security gateway is further configured to notify the security system server of the alarm condition through the first network substantially simultaneously with notifying the security system server of the alarm condition through the second network (24, 38, 41 of fig. 1, e.g. Internet 38 for transmitting the video, and telephone line 41 for transmitting the audio alarm signal.

Re claim 5, Courtney discloses wherein the first network comprises the Internet (38 of fig. 1).

Re claim 13, Courtney further discloses wherein the second network comprises a public switched telephone network (41 of fig. 1).

4.   Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Foodman (US 2002/0005894 A1, filed 04/20/01).

Re claim 1, Foodman discloses a security system (figs. 3B-2 and 3B-2) comprising:

a security gateway (311 of fig. B-1) located at a premises, wherein the security gateway is operable to detect an alarm condition (11 of fig. 3B-1) and to record video (33a, 318 of fig. 3B-1) at least a portion of the premises relating to the alarm condition ([0017], page 3), said video hereinafter referred to as Alarm Video ([0013], page 2);

a security system server (321 of fig. 3B-2) operatively coupled to the security gateway through a first network ([0015], page 2), wherein the security gateway is configured to notify the security system server of the alarm condition and to transfer the Alarm Video to the security system server in substantially real time through the first network ([0013]-[0015], page 2);

and wherein the security system server (321 of fig. 3B-2) is further operatively coupled to the security gateway through a second network (DSL, [0015], page 2), wherein the security gateway is configured to notify the security system server of the alarm condition through the second network ([0014], page 2).

Re claim 2, Foodman further discloses wherein the security gateway is further configured to notify the security system server of the alarm condition through the first network substantially simultaneously with notifying the security system server of the alarm condition through the second network ([0013]-[0014], page 2).

Re claim 3, Foodman further discloses wherein the first network is an IP network (any other Internet compliant communication format, [0015], page 2).

Re claim 4, Foodman further discloses wherein the first network is an Ethernet-based network (any other Internet compliant communication format, [0015], page 2).

Re claim 5, Foodman further discloses wherein the first network comprises the Internet ([0015], page 2).

Re claim 6, Foodman further discloses wherein the first network comprises a frame relay network (any other Internet compliant communication format, [0015], page 2, e.g. Foodman further suggests any Internet compliant communication means that can be used).

Re claim 7, Foodman further discloses wherein the first network comprises a hybrid-fiber coaxial network ([0015], page 2).

Re claim 8, Foodman further discloses wherein the first network comprises a fiber-optic network ([0015], page 2, e.g. Foodman further suggests any Internet compliant communication means that can be used).

Re claim 9, Foodman further discloses wherein the first network comprises a DSL network ([0015], page 2).

Re claim 10, Foodman further discloses wherein the first network comprises an ATM network (any other Internet compliant communication format, [0015], page 2, e.g. Foodman further suggests any Internet compliant communication means that can be used).

Re claim 11, Foodman further discloses wherein the first network comprises a high-speed fixed wireless network ([0015], page 2).

Re claim 12, Foodman further discloses wherein the first network comprises a high-speed mobile communications network ([0015], page 2).

Re claim 13, Courtney further discloses wherein the second network comprises a public switched telephone network (41 of fig. 1).

Re claim14, Foodman further discloses wherein the second network (wireless phone service) comprises a fixed wireless network ([0015], page 2).

Re clam15, Foodman further discloses wherein the second network comprises a mobile communications network ([0015], page 2).

Re claim16, Foodman further discloses wherein the security gateway is further operable to record audio (318, fig. 3B-1) from at least a portion of the premises relating to the alarm condition, said audio referred to hereinafter as Alarm Audio, and wherein the security gateway is further configured to transmit said Alarm Audio to the security system server through the second network in substantially real time ([0013], page 2).

Re claim17, Foodman further discloses wherein the security system server is configured to provide notification of the alarm condition to a public safety agency ([0016], pages 2 and 3).

Re claim 18, Foodman further discloses wherein the security system server is further configured to provide the Alarm Video to the public safety agency ([0016], pages 2 and 3).

Re claim19, Foodman further discloses wherein the security gateway is further operable to record audio from at least a portion the premises relating to the alarm condition, said audio referred hereinafter as Alarm Audio, and wherein the security gateway is further configured to transmit said Alarm Audio to the security system server through the first network in substantially real time ([0013], page 2, e.g. audio is transmitted to the remote locations).

Re claims 20-31, see analysis in claims 1-19.

Re claims 32-37, see analysis in claims 1-19.

Re claims 38, Foodman further discloses security system for providing security monitoring services (fig. 3B-1 and 3B-2) comprising:

a security gateway (311 of fig. 3B-1) located at a premises designated by a user ([0032]

of fig. 3B-1), wherein the security gateway is operable to detect an alarm condition (11 of fig.

3B-1) and to record video of at least a portion of the premises relating to the alarm condition

(318 of fig. 3B-1), said video hereinafter referred to the Alarm Video;

a security system server (321 of fig. 3B-2) operatively coupled to the security gateway

and a data center (31, 321 of fig. 3B-2, [0037], page 5), the data center comprising:

a user information database ([0039]-[0040] of fig. 3B-2), comprising data about the user

(account information), said data referred to hereinafter as User Data, wherein the security

gateway is configured to notify the data center of the alarm condition and to transfer the Alarm

Video to the data center in substantially real time ([0040]-[0041], page 5), wherein the security

system server is operable to associate the Alarm Video with at least a portion of the User Data,

said portion of the User Data referred to hereinafter as Associated User Data ([0016], pages 2

and 3), and

a monitoring client operatively coupled to the monitoring client (330, 31 of fig. 3B-2),

wherein the data center is configured to transfer the notification of the alarm condition, the

Alarm Video and Associated User Data to the monitoring client ([0014]-[0016], pages 2 and 3),

and wherein the monitoring client is configured to display at least a portion of the Alarm Video

and the Associated User Data on the monitoring client (330 of fig. 3B-2, e.g. viewing the video

alarm).

Re claim 39, Foodman further discloses wherein the monitoring client is at a central

monitoring station (330 of fig. 3B-2, e.g. the monitoring client is at central monitor (31 of fig.

3B-2).

Re claim 40, Foodman further discloses wherein the security gateway is further

operatively coupled to a central monitoring server (321 and 31 of fig. 3B-2) at the central

monitoring station, and wherein the security gateway is configured to transfer a notification of

the alarm condition to the central monitoring server ([0014], page 2).

Re claim 41, Foodman further discloses wherein the data center is further operable to

store the notification of the alarm condition in the user information database (347 of fig. 3B-2).

Re claim 42, Foodman further discloses wherein the data center is further operable to

store the Alarm Video in the user information database (347 of fig. 3B-2).

Re claims 43-46, see analysis in claims 38-42, wherein Foodman discloses a plurality of

security gateways (33a-33n of fig. 3B-1).

5.   Claims 38-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et al.

(6,400,265, filed 04/24/01).

Re claims 38, 40, and 43, Saylor discloses a security system for providing security

monitoring services for a plurality of users (160 of fig. 1) comprising:

a plurality of security gateways (110, 112, 114 of fig. 1), each located at a premises,

wherein each security gateway (110 of fig. 1) is operable to detect an alarm condition and to

record video of at least a portion of its respective premises relating to the alarm condition (col.

4, lines 18-30, e.g. alarm situations are detected by a control panel (120, 122, 124 of fig. 1) and

then transmitted to the central security network), said video hereinafter referred to the Alarm

Video;

a security system server (130 of fig. 1) operatively coupled to the plurality of security

gateways, the security system server comprising a user information database (140, 142, 144,

146 of fig. 1), comprising data about each of the plurality of users, said data referred to

hereinafter as User Data, wherein each security gateway is configured to notify the security

system server of the alarm condition and to transfer the Alarm Video to the security system

server in substantially real time (col. 4, lines 18-65), wherein the security system server is

operable to associate the Alarm Video with at least a portion of the User Data, said portion

referred to hereinafter as Associated User Data (figs. 2 and 3); and

a monitoring client (160 of fig. 1) operatively coupled to the security system server, and

wherein the security system server is configured to transfer the notification of the alarm

condition, the Alarm Video and Associated User Data to the monitoring client, and wherein said

monitoring client is configured to display at least a portion of the Alarm Video and the

Associated User Data (fig. 4, e.g. user accesses the website, 130 of fig. 1).

Re claims 41 and 44, Saylor further discloses wherein the security system server is

further operable to store the notification of the alarm condition in the user information database

(140 of fig. 1).

Re claims 42 and 45, Saylor further discloses wherein the security system server is

further operable to store the alarm video in the user information database (142 of fig. 1).

Re claims 39 and 46, Saylor further teaches wherein the monitoring client is at a central

monitoring station (160, 130 of fig. 1).

Double Patenting

6.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7.   Claims 38 and 43 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1 and 17 of copending

Application No. 09/969,521. Although the conflicting claims are not identical, they are not

patentably distinct from each other because each set of claims recites a security system for

providing security monitoring, comprising

        (i) one or a plurality of security gateways,

        (ii) a designated premises,

        (iii) detecting an alarm condition,

        (iv) recording "video" (referred to as "Alarm Video"),

        (v) one or a plurality of security system servers, -

        (vi) the gateway(s) transferring to the server(s) or a data center a notification of the alarm

condition and the corresponding Alarm Video in substantially real time,

        (vii) one or a plurality of monitoring clients,

        (viii) the server(s) or data center transferring the notification of the alarm condition and

the corresponding Alarm Video to one or more monitoring clients,

        (ix) the Alarm Video having "Associated User Data" (note claim 1, line 16 and claim 17,

line 21 in the present application), and

(x) the monitoring client(s) displaying at least a portion of the Alarm Video and Associated User Data.

The sets of claims in the present application 09/954,976 is broader than in the copending application 09/969,521.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shields et al. (US 6,680,730 B1) discloses a remote control of apparatus using computer networks.

Budge et al. (US 6,359,560 B1) discloses computer system with motion triggered alarm procedure.

Menard et al. (US 6,667,688 B1) discloses a detection system using personal communication device with response.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tung T. Vo
Primary Examiner
Art Unit 2613

TUNG T. VO
PATENT EXAMINER

TVo